

spection by any officer charged with the duty of enforcing the criminal laws of this State, and fixing a penalty for the violation of the provisions of this Act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. It is hereby made the duty of all persons, firms or corporations engaged in the business of selling dynamite within this State, to keep books, showing accurately the person to whom such dynamite is sold, the amount sold to each person, the date of the sale and the accurate post office address of such persons purchasing said dynamite, which books shall be kept open to the inspection of any public officer charged with the duty of enforcing the criminal laws of this State.

Sec. 2. Any person, firm or corporation, or the agent thereof, failing or refusing to comply with any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction therefor shall be punished by a fine of not less than Twenty-five (\$25.00) Dollars or more than Two Hundred (\$200.00) Dollars, or by confinement in the county jail for not more than thirty days, or by both said fine and imprisonment.

Sec. 3. The fact that dynamite is being sold and purchased for the purpose of destroying property, and for the purpose of being used for other unlawful purposes, and that the officers are without adequate means of securing information as to the possession so obtained creates an emergency and an imperative public necessity requiring the suspension of the Constitutional rule requiring bills to be read on three several days, and said rule is hereby, suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Jan. 22, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred S. B. No. 216, A bill to be entitled, "An Act repealing Article 1269 of the Revised Civil Statutes of the State of Texas of 1925."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recom-

mendation that it do pass and be printed in the Journal only.

WOODWARD, Chairman.

By Williamson.

S. B. 216.

A BILL

To Be Entitled.

An Act Repealing Article 1269 of the Revised Civil Statutes of the State of Texas, of 1925.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1269 of the Revised Civil Statutes of the State of Texas, of 1925, be and the same is hereby repealed.

Sec. 2. The fact that salaries of officers named in such article are provided for by the charters of such municipalities, renders such article unnecessary and confusing, creates an emergency and an imperative public necessity that the Constitutional rule requiring bills to be read on three several days, be suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

THIRTEENTH DAY.

Senate Chamber,

Austin, Texas,

Thursday, January 24, 1929.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Berkeley.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Martin.
Neal.

Parrish.

Prayer by the Chaplain.

Pending the reading of the Jour-

nal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Woodul:

S. B. No. 309, A bill to be entitled "An Act providing for the sale by the Texas Prison Board of 5.72 acres of land adjoining the Imperial State Farm to Benjamin Clayton; regulating the manner, terms and price of the sale, authorizing and empowering the Texas Prison Board to make the sale and authorizing the chairman or vice-chairman to execute a deed of conveyance to be attested by the Board's secretary, and creating an emergency."

Read first time and referred to Committee on Penitentiaries.

By Senator Thomason:

S. B. No. 310, A bill to be entitled "An Act creating a more efficient road system for Jasper County, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners' court; providing for the laying out, establishment, construction of roads, bridges and culverts, and for the repair and maintenance thereof; providing that the commissioners' court shall cooperate with the State Highway Department in the establishment, construction and maintenance of roads, bridges and culverts to be paid for partly by the county and partly by the State or Federal Government; authorizing the commissioners' court of Jasper County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof; and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senators Beck, Westbrook, and Hardin:

S. B. No. 311, A bill to be entitled "An Act repealing Article 931 and amending Article 933 of the 1925 Penal Code of the State of Texas; providing a closed season on all kinds of fresh water fish during March and April; providing a size limit for bass, white perch or crappie, channel catfish, blue catfish; providing for the saving or salvaging of fish from stagnant or polluted waters; providing for the extermination of undesirable fish; providing penalties and declaring a rule of construction, and an emergency."

Read first time and referred to Committee on State Affairs.

By Senators Woodward, Wirtz, Russek:

S. B. No. 312, A bill to be entitled "An Act to define license tax, regulate and control recreation establishments, fixing penalties for violation of said Act, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senators Wirtz, Woodward:

S. B. No. 313, A bill to be entitled "An Act making better provision for the regulation of the sale and dealing in stocks, bonds, and securities in this State, including any share, stock, treasury stock, stock certificate under a voting trust agreement, collateral trust certificate, re-organization certificate or receipt, subscription or re-organization certificate, note, bond, debenture, mortgage certificate or other evidence of indebtedness, and form of commercial paper, certificate in or under a profit sharing or participation agreement, certificate of any interest in or under an oil, gas or mining lease or title, or any certificate or instrument representing or secured by any interest in any or all of the capital, property, assets, profits, or earnings of any company, investment contract, or any other instrument commonly known as a security, etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senators, Beck, Thomason, Patton, Berkeley, Gainer, Holbrook, Russek, Williamson, Parr, Woodward, DeBerry:

S. B. No. 314, A bill to be entitled, "An Act to provide for the location, establishment and maintenance of an institution for the treatment of persons suffering from Cancer or Pellagra and to provide for the care and treatment of indigent persons suffering from Cancer or Pellagra; and defining the conditions of admission thereto; and provide for the scientific study of Cancer and Pellagra; and creating a commission to establish and control said institution, and defining the duties of certain officers in respect to said institution; and make appropriation therefor, and declaring an emergency."

Read first time and referred to Committee on Public Health.

Senators Excused.

On motion of Senator Small, Senator Parrish was excused for the day, on account of important business.

Bills Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 338.
S. C. R. No. 4.
S. B. No. 69.

Messages From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor, with the following messages:

Executive Office,
January 24, 1929.

To the Senate of the State of Texas,
Capitol.

Gentlemen: I have appointed the following persons as members of the Fannin State Park Board, subject to the confirmation of the Senate, viz.:

Wallace E. Fowler, Goliad; Ross Hanley, of Fannin; Mrs. Genevieve Stevenson, Victoria.

Respectfully submitted,
DAN MOODY,
Governor.

Executive Office,
January 24, 1929.

To the Honorable Members of the
Forty-first Legislature:

Attached hereto is a copy of the

report of Messrs. Wm. A. Black of Bexar County and H. T. Brown of Cherokee County, president and secretary, respectively, of the Board of Managers of the State Iron Industries, located near Rusk in Cherokee County, Texas.

This report is transmitted to you for your consideration, and for the enactment of such laws as you may think proper and necessary for the preservation and development of the State properties controlled by this Board.

Respectfully submitted,
DAN MOODY,
Governor.

To the Hon. Dan Moody, Governor of Texas, and the Forty-first Legislature:

The Thirty-ninth Legislature, in regular session, enacted a law providing for the creation of a Board of Managers for the State Iron Industries located near Rusk, Cherokee County, Texas. (Said Act is found on page 261, of the Acts of the Thirty-ninth Legislature.) The Act provides that said Board shall be composed of three members, as follows: The Senator from the Third Senatorial District and the member of the Legislature from Cherokee County, shall constitute two members of the Board, and the third member shall be appointed by the Lieutenant Governor. By virtue of the Act, the late Senator I. D. Fairchild and H. T. Brown, member of the Legislature, were members of the Board, and the Lieutenant Governor appointed Hon. W. A. Black of San Antonio, as the third member.

In the organization of the Board, Hon. W. A. Black was made chairman and H. T. Brown, secretary. The secretary was instructed to gather all the data and information available for the Board actions. Without going into needless details of our activities, we beg to submit to you this our final report in as much as the Board will of necessity have two new members, in event it should continue to function.

Our first efforts was to get the properties transferred from the Board of Prison Commissioners to the Board of Managers for the State Iron Industries. After some delay, the transfer was made. Your Board found a very poor record of the lands belonging to the State in Cherokee County, but from the rec-

ords turned over to us by the Prison Commissioners and from the records in the office of the county clerk of Cherokee County, we find that the State owns 4047 acres of land in Cherokee County, near the towns of Rusk and Maydelle. A list of said lands is herewith attached.

At the same setting of the Legislature, which provided for the creation of the Board of Managers for the State Iron Industries, an Act was passed setting aside to the A. and M. College so much of the lands in and near Maydelle as deemed necessary by the A. and M. College for the purpose of reforestation. In compliance with that Act, some 2000 acres has been set aside for that purpose in and near the town of Maydelle.

It is the opinion of this Board that the holding of so much property by the State in so small a community as Maydelle is a great injustice to the community and a great handicap to its development. It occurs to us that 200, or 300 acres of land, would serve the same purpose for reforestation as the 2000, and if in your judgment you believe that the program of the A. and M. College would not be hurt, we recommend that the major part of this land be sold to home owners in order that this community may develop and this property placed on the tax rolls. But in event this is not done, we recommend that the State pay to the Maydelle community a fair amount of taxes on this land for school purposes.

We further find that there is nothing of record, so far as we could locate, legally setting aside any definite land to the Insane Asylum at Rusk, Texas. We therefore recommend that the Fortieth Legislature, by legal act, set aside so much and specific lands to the Rusk Insane Asylum as in the judgment of the Board of Control is needed by said institution and that this be made a matter of record in the deed records of Cherokee County, Texas, and of the Board of Control.

Our main duties were centered around the obligation due the State from the sale of the old furnace located at Rusk, Texas, and some lands in connection therewith. There are several Acts of the preceeding Legislature dealing with this sale and the extension of the notes due the State.

The papers in connection with this matter is now in the hands of the Attorney General of Texas. We find, however, that the property now belongs to the Cherokee Development Company, Inc., with head offices at Beaumont, Texas, and composed of John L. Keith as president and others. There are two notes due the State by this company in the sum of \$28,000.00 each, with interest due for several years. After going over the matter thoroughly your committee believes that this is a just, valid and legal obligation due the State and should be collected.

We made every effort possible, it seems, to collect this indebtedness. We succeeded in collecting \$1,687.50 interest on one note. The Committee made no promise or obligated itself in no way to make this collection. H. T. Brown individually promised the attorneys for the Cherokee Development Company, B. B. and James I. Perkins of Rusk, Texas, that if the interest was paid and the other note paid off in full the old furnace at Rusk put in operation at once, that he, H. T. Brown would recommend to the other members of the Committee and to the Legislature the cancellation of one of the notes. But neither of the conditions were complied with by the Cherokee Development Company, Inc. All other methods failing, we, your Committee, just prior to the death of the late Senator I. D. Fairchild, instructed the Attorney General to bring suit for the collection of the balance due the State. The suit was filed and is now pending in the District Court of Travis County.

Your Committee has gone into the grounds of defense filed by Perkins and Perkins of Rusk for the Cherokee Development Company, and are of the opinion that it is without any merit whatever. The property was sold and purchased in good faith and in our judgment the State of Texas is justly due two notes with interest in the sum of \$56,000.00. The State has a good bond and a judgment would be good for the obligation.

The Cherokee Development Company, Inc., not only owns the State lands, or mineral rights thereon, but has bought in fee or leased the greater part of all other desirable iron ore lands in Cherokee County.

Their blocking of their lands are such that no other person or company can develop the iron industry in this section in competition to this company; in other words the other ore lands and their interest are at the mercy of this company. The company has good holdings in this county. They bought from the State 120 acres of land adjacent to the Insane Asylum at Rusk and own some 8 to 10 good dwelling houses, the old furnace. At the time the company took charge of the furnace it was in good condition, but at the present it is run down and much valuable property has been moved therefrom since the State sold it.

Since the Cherokee Development Company, Inc., has denied the legali-

ty of the debt due the State, that the suit now on file be prosecuted and that judgment be taken for the entire amount of the outstanding notes with the interest.

If this Committee can give any further information relative to any of its activities, we will be glad to do so by letter or in person.

There is to the credit of the Committee \$836.60 in the Citizens State Bank at Rusk, Texas. The total expenses of this Committee was \$848.90 as per itemized statement herewith attached.

Respectfully submitted,

President of the Board.

Secretary of the Board.

STATEMENT OF LANDS BELONGING TO THE STATE OF TEXAS, CHEROKEE COUNTY

			Acres
Abstract No. 3, Wm. Barles League.			
Vol. H, No. 2, page 174, G. W. Copeland to State.....	488		
Vol. H, No. 2, page 362, C. B. Raines, et al	}	671	
Vol. H, No. 2, page 366, C. R. Raines, GDN			
			1159
Vol. 21, page 55, sold to L. G. Guinn.....	100		
Vol. 27, page 621, sold to W. H. Reeves	100	200	959
Abstract No. 61, J. Ainsworth Survey.			
Vol 31, page 314, Callie & S. E. Stovall			50
Abstract No. 114, G. W. Braizer survey.			
Vol. H, No 2, page 443, R. J. Rickets & wife			160
Abstract No. 239, T. M. Dement survey.			
Vol. 30, page 18, F. B. Williams	160		
Vol. 31, page 314, Callie & S. F. Stovall.....	160		320
Abstract No. 104, J. R. Blanton survey.			
Vol. R, No. 2, page 225, T. Y. T. Jameson & wife			5
Abstract No. 256, W. M. Evans survey.			
Vol. 28, page 158, Pearl E. & H. A. Turner.....			320
Abstract No. 462, D. Joslin survey.			
Vol. H, No. 2, page 265, C. B. Raines, et al	}	147	174.75
Vol. H, No. 2, page 266, C. B. Raines GDN			
Vol. O. No. 2, page 292, Ellis & Cunningham			
Abstract No. 486, J. Keenon survey.			
Vol. 27, page 438, J. A. Randolph.....			351
Abstract No. 551, J. M. Miller survey.			
Vol. T, No. 2, page 100, R. H. Guinn	112		
Vol. 1, page 177, New Birmingham & L. Co.	138.3		250.3
Abstract No. 647, S. Nelson survey.			
Vol. 27, page 596, J. O. Mathews, et al.....			493.7
Abstract No. 716, A. Pratt survey.			
Vol. 1, page 177, New Birmingham & L. Co.	21		
Vol. 2, page 560, Mrs. S. J. Guinn.....	20.8		41.8
Abstract No. 779, J. W. Spillers survey.			
Vol. 27, page 599, Susan Spofford, by admr.....			494

Abstract No. 887, R. Walters survey.		
Vol. 1, page 177, New Birmingham I. & L. Co.....	157.65	
Abstract No. 931, A. H. White survey.		
Vol. H, No. 2, page 179, T. Y. T. Jameson & wife....	11.8	
Vol. J, No. 2, page 322, T. Y. T. Jameson & wife....	12.5	
Vol. O, No. 2, page 292, Ellis & Cunningham.....	25	
Vol. O, No. 2, page 294, T. Y. T. Jameson & wife....	38	
Vol. O, No. 2, page 298, T. Y. T. Jameson & wife....	1	
Vol. R, No. 2, page 225, T. Y. T. Jameson & wife....	170.8	
Vol. Z, No. 2, page 560, Mrs. S. J. Guinn.....	10.7	269.8
Total.....		4047

Ore and Mineral Rights

G. W. Taylor.....	270	acres
T. E. Wiggins.....	100	acres
G. W. Copeland.....	85.5	acres
W. W. Lewis.....	130	acres
W. W. Lewis.....	130	acres
R. H. Guinn.....	61.2	acres
R. H. Guinn.....	44.5	acres

Read and referred to Committee on Penitentiaries.

Senate Concurrent Resolution No. 11.

Senator Berkeley sent up the following resolution:

Whereas, An important hearing on agricultural schedule will be held within the near future in both the House and the Senate of the United States Congress; therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That it go on record favoring a fair and adequate tariff rate on all products of both the farm and ranch and that we request the members of both Houses of Congress to give careful study to such schedule with special attention to the interest of the farmer and stock raiser; be it further

Resolved, That a copy of this resolution be wired each Senator and Congressman from Texas and a copy be sent the chairman of the agricultural committees in both Houses of Congress.

BERKELEY.

The resolution was read and adopted.

Executive Session Announced.

Senator Williamson announced that on Friday morning, at 11:00 o'clock, the Senate would go into executive session to consider nominations by the Governor.

House Bill No. 23.

The Chair laid before the Senate, on its second reading, the following bill:

By Mr. Montgomery:

H. B. No. 23, A bill to be entitled "An Act to create Hidalgo County Water Improvement District No. 5, in Hidalgo County, Texas, into a water control and improvement district, without changing the name of said district; validating and approving all orders made by the commissioners' court of said county in respect to the original organization of said district as a water improvement district under Article 3, Section 52, of the Constitution."

The committee report was adopted.

The bill was read second time and passed to third reading.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 23 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Hyer.
Berkeley.	Love.
Cunningham.	McFarlane.
DeBerry.	Miller.
Gainer.	Moore.
Hardin.	Parr.
Holbrook.	Patton.
Hornsby.	Pollard.

Russek.	Williamson.
Small.	Wirtz.
Stevenson.	Witt.
Thomason.	Woodul.
Westbrook.	Woodward.

Absent.

Greer.

Absent—Excused.

Martin.	Parrish.
Neal.	

The bill was read third time and finally passed by the following vote:

Yeas—26.

Beck.	Parr.
Berkeley.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent.

Greer.

Absent—Excused.

Martin.	Parrish.
Neal.	

Senate Bill No. 71.

The Chair laid before the Senate, as special order, the following bill:

S. B. No. 71, A bill to be entitled "An Act to amend Article 2883, and Article 2889A, Revised Statutes of 1925, relating to certificates of teachers in the public free schools, and salaries of teachers holding such certificates; repealing all laws in conflict therewith, and declaring an emergency."

The bill was made special order for Friday morning.

Senate Bill No. 110.

The Chair laid before the Senate, on third reading, the following bill:

S. B. No. 110, A bill to be entitled "An Act to amend Article 1302 of the Revised Civil Statutes of the State of Texas of 1925 so as to pro-

vide that private corporations may be formed for any lawful purpose or purposes, except as specified in this Act, and providing that nothing in this Act shall be held to repeal or amend any General Law of the State, other than Article 1302 pertaining to the creation of corporations and powers, duties and limitations thereof or to repeal any law that forbids the creation of any corporation and providing that no corporation created under Article 1302 as herein amended shall include as one of its purposes any purpose for which corporations may be created under the General Laws of this State, other than Article 1302, and providing that no corporation created under Article 1302 as herein amended shall include as one of its purposes the practice of law or the practice of any of the healing arts and sciences and providing that all corporations created under this Act shall be required, after filing their charters with the Secretary of State, to record the same at length in the principal office of the corporation and shall have such charter recorded in full in the records of the county clerk of the county in which such corporation has its principal office before such corporation shall do any business in this State, and providing that all amendments to such charters shall be recorded in like manner, and declaring an emergency."

The bill was finally passed.

Senate Bill No. 42.

The Chair laid before the Senate, on its second reading, the following bill.

S. B. No. 42, A bill to be entitled "An Act to add to Revised Civil Statutes Article 5510A, providing that all claims asserted by anyone not holding under a written memorandum of title duly registered, under the ten year Statute of Limitation, under what is commonly called the 160 acre Statute or its predecessor, the 640 acre Statute, shall assert such claim by filing suit therefor against the owner of the record title in a court of competent jurisdiction before June 1, 1934, or such claim or title shall not thereafter be asserted in the State as against the record owner of said land, and declaring an emergency"

The bill was read second time.

Senator Woodul moved to lay the bill on the table, subject to call.
The motion prevailed.

Message From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Jan. 24, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

S. B. No. 69, A bill to be entitled "An Act to provide for the extension of the term of Oil and Gas Permits Nos. 11652, 11653, 11655, 11680 and 11681 from a period of two years to a period of five years from their respective dates."

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Senate Bill No. 187.

The Chair laid before the Senate, on third reading, the following bill:

S. B. No. 187, A bill to be entitled "An Act appropriating the sum of \$25,000.00 to co-operate with the Department of the Interior of the United States Government to investigate reservoir sites and reservoir conditions on the Pecos River; authorizing the Governor to draw upon such funds and regulating the expenditure thereof, and creating an emergency."

The bill was read third time and finally passed by the following vote:

Yeas—19.

Beck.	Moore.
Berkeley.	Parr.
Cunningham.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Williamson.
Hornsby.	Witt.
Hyer.	Woodul.
Love.	Woodward.
McFarlane.	

Nays—4.

DeBerry.	Pollard.
Miller.	Westbrook.

Absent.

Gainer.	Russek.
Patton.	Wirtz.

Absent—Excused.

Martin.
Neal.

Parrish.

Senate Bill No. 43.

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 43, A bill to be entitled "An Act to amend Article 5513 of the Revised Civil Statutes of Texas by adding thereto a proviso to the effect that the defense of innocent purchaser shall be available against such limitation claims and declaring an emergency."

The bill was read second time.

On motion of Senator Woodul, the bill was laid on the table subject to call.

Senate Bill No. 81.

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 81, A bill to be entitled "An Act protecting state banks and national banks and banking institutions doing business in this State in the payment of funds in a joint deposit to the survivor when the deposit is made by one of the depositors in form to be paid to either of them or the survivor; and providing regulations in reference to such deposits; and declaring an emergency."

The bill was read second time.

Senator Pollard sent up the following amendment:

Amend S. B. No. 81, Page 1, Line 23 by adding after the word "then," "only in the event said amount of money on deposit shall not exceed the sum of one thousand dollars."

POLLARD.

Senator McFarlane moved to table the amendment. The motion was lost.

Senator Love sent up the following substitute for Senator Pollard's amendment:

Substitute for amendment: Amend by striking out the words "in form to" and inserting in lieu thereof the words "with notice to the bank that such deposit shall be paid."

LOVE.

The substitute was adopted. The amendment as substituted was adopted.

Senator Pollard moved that the bill be laid on the table subject to call. The motion prevailed.

Investigating Committee Appointed.

The Chair made the following announcement:

I appoint as members of the Senate on Joint Committee to investigate the Land Office etc.:

Moore of Hunt, Hardin of Erath.

Senate Bill No. 82.

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 82, A bill to be entitled "An Act to provide for the sale and lease of minerals in and on University Lands; to provide for resurveying, dividing and marketing said lands; prescribing the method of making and returning bids therefor; prescribing the minimum royalty and minimum rental thereon; authorizing the rejection of any and all bids therefor, and the sale thereof at open auction; prescribing duties of the Board of Regents of the University of Texas and of the Commissioner of the General Land Office of Texas, providing for the execution of mineral leases on said lands, and repealing all laws in conflict therewith, and declaring an emergency."

The bill was read second time and passed to engrossment

On motion of Senator Wirtz, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 82 was put on its third reading and final passage, by the following vote:

Yeas—26.

Beck.	Parr.
Berkeley.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Nays—1.

Greer.

Absent—Excused.

Martin.	Parrish.
Neal.	

The bill was read third time.

On motion of Senator Wirtz, the bill was set as special order Friday morning after the morning call.

Senate Bill No. 114.

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 114, A bill to be entitled "An Act to amend Article 2529 of Chapter 1, Title 47 of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 57 of the Acts of the First Called Session of the Fortieth Legislature relating to the collateral security to be pledged by depositories for securing state funds, by depositing a depository bond with the state treasurer or by pledging with the state treasurer bonds and certificates of indebtedness of the United States, obligations and Pledges of the University of Texas, bonds issued by banks organized under the Federal Farm Loan Act located in Texas, bonds of counties, independent school districts and common school districts located in Texas, and bonds issued by municipal corporations in Texas, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Wirtz, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 114 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Martin.	Parrish.
Neal.	

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Martin.	Parrish.
Neal.	

Senate Bill No. 117.

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 117, A bill to be entitled "An Act providing for the giving of notices to the United States Veterans' Bureau of the filing of all annual and other accounts and of all applications for the expenditure and investment of funds by guardians whose wards are beneficiaries of the United States Veterans' Bureau and providing for collection of fees therefor, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 117 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Martin.	Parrish.
Neal.	

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Martin.	Parrish.
Neal.	

Senate Bill No. 121.

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 121, A bill to be entitled "An Act amending Article 4148, Chapter 4, Title 69 of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, by adding thereto a provision authorizing the county judge to decrease the amount of a guardian's bond whenever in his opinion a smaller bond than the one in effect would be adequate to protect the estate of the ward, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 121 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Martin. Parrish.
Neal.

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Martin. Parrish.
Neal.

Senate Bill No. 123.

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 123, A bill to be entitled "An Act amending Article 3325, Chapter 4, Title 54 of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, by adding thereto a provision authorizing the county courts of this State to grant letters of administration upon the estates of certain persons without regard to the date of death when such administration is necessary in connection with the receipt or recovery of moneys due by the United States of America, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 123 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Hardin.
Berkeley.	Holbrook.
Cunningham.	Hornsby.
DeBerry.	Hyer.
Gainer.	Love.
Greer.	McFarlane.

Miller.
Moore.
Parr.
Patton.
Pollard.
Russek.
Small.
Stevenson.

Thomason.
Westbrook.
Williamson.
Wirtz.
Witt.
Woodul.
Woodward.

Absent—Excused.

Martin. Parrish.
Neal.

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Martin. Parrish.
Neal.

Senate Bill No. 124.

The Chair laid before the Senate, on second reading the following bill:

S. B. No. 124, A bill to be entitled "An Act amending Article 4142, Chapter 4, Title 69 of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, relative to sureties upon guardians' bonds, by adding thereto a provision authorizing the county judge to require corporate sureties on guardians' bonds in certain cases, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 124 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Cunningham.
Berkeley.	DeBerry.

Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Woodul.
Parr.	Woodward.
Patton.	

Absent—Excused.

Martin.	Parrish.
Neal.	

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Martin.	Parrish.
Neal.	

Senate Bill No. 122.

The Chair laid before the Senate, on second reading, the following bill:

S. B. No. 122, A bill to be entitled "An Act amending Articles 4282, 4283 and 4284, Chapter 12, Title 69 of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, relative to the discharge of guardians of incompetents or habitual drunkards where such persons have been restored to their right minds or sober habits, by adding thereto a provision authorizing the court to adjudge such persons to be of sound mind or to be no longer habitual drunkards, as the case may be, and declaring an emergency."

The bill was read second time.

Senator Pollard sent up the following amendment:

Amend S. B. No. 122, by adding

after period in Line 31, "Provided further that all judgments of the courts of Texas heretofore declaring persons to be of unsound mind or an habitual drunkard, and which have been set aside, are hereby validated and recognized as valid judgments of restoration of sanity and sobriety."

The amendment was read and adopted.

The bill as amended was passed to engrossment.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 122 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Martin.	Parrish.
Neal.	

The bill was read third time and passed finally by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Martin.	Parrish.
Neal.	

Bill Recommended.

On motion of Senator McFarlane, Senate Bill No. 99 was recommitted to the Committee on Educational Affairs.

Minority Report Filed.

Senators Moore and McFarlane received unanimous consent to file a minority report on S. B. No. 165.

Recess.

On motion of Senator Woodward, the Senate, at 12:10 o'clock p. m., recessed until 2:00 o'clock p. m.

After Recess.

The Senate was called to order at 2:00 o'clock p. m., pursuant to recess, by Lieutenant Governor Barry Miller.

Senate Bill No. 145.

The Chair laid before the Senate on its second reading, the following bill:

S. B. No. 145, A bill to be entitled "An Act to repeal Article 6899, Title 121, Chapter 1 of the Revised Civil Statutes of 1925, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 145, was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Martin.	Parrish.
Neal.	

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Martin.	Parrish.
Neal.	

Senate Bill No. 172.

The Chair laid before the Senate on second reading the following bill:

By Senator Hyer:

S. B. No. 172, A bill to be entitled "An Act to amend Articles 2461, 2462, 2463, 2465, 2466, and 2477 of Subdivision 1 of Title 46, Revised Civil Statutes of the State of Texas, 1925, relative to Rural Credit Unions and declaring an emergency."

The bill was read second time. Senator Hyer sent up the following amendment:

Amend S. B. No. 172 as follows:

Insert in the bill immediately after "Article 2463," Article 2464. No person, partnership, association or corporation, except corporations formed under the provisions of this law shall hereafter transact business under any name or title which contains the words "credit union", except those expressly authorized to be formed under the provisions of this Law. And, amend the caption by inserting the figures 2464 immediately after the figures 2463 therein.

HYER.

The amendment was read and adopted.

The bill as amended passed to engrossment.

On motion of Senator Hyer the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 172 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Martin.	Parrish.
Neal.	

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Martin.	Parrish.
Neal.	

Message From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, Jan. 23, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House grants the request of the Senate for the appointment of a Free Conference Committee on Senate Bill No. 60 and the following are appointed as conferees on the part of the House:

Moore, Webb, Gills, Hogg, Stevenson.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, Jan. 24, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 162, A bill to be entitled "An Act to amend Articles 74 and 75 of Chapter 3, Title 4, of the Revised Civil Statutes of 1925, so as to qualify the kind of pink bollworms that may be declared to be a menace; providing the conditions under which the pink bollworms may be found; providing compensation for all losses incurred or expenses sustained by all persons, firms or corporations required to comply with the provisions of Chapter 3 of Title 4 of the Revised Civil Statutes of 1925."

H. B. No. 48, A bill to be entitled "An Act to amend Subdivision 3, of Article 3926, Revised Statutes, 1925, relating to the payment of salary to the County Judge by the Commissioners' Court for presiding over said court, ordering elections, making returns thereof, hearing and determining civil causes, and transacting all other official business, by providing that in counties having \$290,000,000 assessed valuation, or more, and which have established therein institutions for the care of dependent and delinquent boys and girls, the County Judge shall receive the further sum of \$3,000 per annum, which shall be ex-officio and not to be accounted for as fees of office, but in addition to all amounts allowed under the maximum fee bill and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Simple Resolution No. 43.

Senator Westbrook sent up the following resolution:

By Westbrook, Wirtz:

Whereas the work in the enrolling, engrossing and mailing rooms are greatly increased; and

Whereas the increased need in the enrolling and engrossing rooms is for typists; and

Whereas some of the employees in

the enrolling and engrossing rooms are not typists;

Therefore be it resolved that those who are not typists in said rooms, be transferred to the mailing room, and that Miss Evelyn Bevans, Miss Ima Morgan, Miss Kathryn Goodwin and Mrs. Reeder Reece who are experienced typists be added to the enrolling and engrossing room; that Mrs. Pierce be transferred from Warrant Clerk to Enrolling Room and Mrs. Roberts be transferred from mailing room to Warrant Clerk.

The resolution was read and adopted.

Senate Bill No. 275.

Senator Love received unanimous consent to take up out of its regular order the following bill:

S. B. No. 275, A bill to be entitled "An Act to amend Section 1 of Chapter 50 of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-ninth Legislature, approved March 9, 1925, validating the charters and amendments to charters of all cities of more than five thousand inhabitants in this State, which have adopted charters or attempted to adopt or amend charters, since the enactment of Chapter 147, General Laws of the Regular Session of the Thirty-third Legislature of the State of Texas, 1913, and validating all proceedings had by city councils or city commissions or other governing authority, of said cities, in regard to the question of the adoption of charters or amendments thereto, and particularly ratifying and confirming all bonds issued thereunder, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Love the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 275, was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Holbrook.
Berkeley.	Hornsby.
Cunningham.	Hyer.
DeBerry.	Love.
Gainer.	McFarlane.
Greer.	Miller.
Hardin.	Moore.

Parr.	Westbrook.
Patton.	Williamson.
Pollard.	Wirtz.
Russek.	Witt.
Small.	Woodul.
Stevenson.	Woodward.
Thomason.	

Absent—Excused.

Martin.	Parrish.
Neal.	

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Martin.	Parrish.
Neal.	

House Bill No. 120.

Senator Parr received unanimous consent to take up out of its regular order the following bill:

By Mr. Sanders:

H. B. No. 120, A bill to be entitled "An Act to amend Article 2547 (2443), Chapter 2, Title 47, Revised Civil Statutes of the State of Texas, being Chapter 129, page 197 to 199, inclusive, of the General Laws of the State of Texas passed by the Fortieth Legislature at the regular session, which article and chapter provides for the making of bonds for the securing of county deposits, declaring who may make such bonds, and the amount and character of the security that may be accepted by the commissioners' court to secure such deposits."

The Senate rule requiring Committee reports to lie over 24 hours was suspended by unanimous consent.

As a substitute for the committee report that the bill be not printed,

Senator Pollard moved that the bill be printed in the Journal.

Senator Parr moved to table the motion. The motion to table was lost.

Senator Pollard's motion prevailed.

(See Appendix.)

Senate Bill No. 98.

Senator Hyer called up from the table the following bill:

S. B. No. 98, A bill to be entitled "An Act to require all persons who teach in the public schools to be American citizens."

The Committee amendment was adopted.

Senator Hyer sent up the following amendment:

Amend Senate Bill No. 98 by striking out the caption and inserting in lieu thereof the following:

S. B. No. 98 A bill to be entitled "An Act designed to prevent aliens from teaching in the public schools in this State with certain exceptions; regulating teachers contracts and certificates to that end; and declaring an emergency."

HYER.

Senator Stevenson sent up the following amendment:

Amend Senate Bill No. 98 by adding after the word "effect" in line 20, as follows:

"This bill shall not take effect until September 1st, 1929, and shall not apply to institutions above the grades of high schools."

STEVENSON.

Read and adopted.

Senator Hyer's amendment was adopted.

The bill as amended passed to engrossment.

On motion of Senator Hyer the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 98 was put on third reading and final passage, by the following vote:

Yeas—27.

Beck.	Hornsby.
Berkeley.	Hyer.
Cunningham.	Love.
DeBerry.	McFarlane.
Gainer.	Miller.
Greer.	Moore.
Hardin.	Parr.
Holbrook.	Patton.

Pollard.	Williamson.
Russek.	Wirtz.
Small.	Witt.
Stevenson.	Woodul.
Thomason.	Woodward.
Westbrook.	

Absent—Excused.

Martin.	Parrish.
Neal.	

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Martin.	Parrish.
Neal.	

Senate Bill No. 184.

Senator Wirtz received unanimous consent to take up out of its regular order the following bill:

By Senators Russek and Wirtz:

S. B. No. 184, A bill to be entitled "An Act amending Article 387 of the Revised Civil Statutes of 1925, so as to increase the maximum number of directors a bank or bank and trust company having a capital stock of \$500,000.00 or more may have; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Wirtz, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 184 was put on third reading and final passage, by the following vote:

Yeas—27.

Beck.	Greer.
Berkeley.	Hardin.
Cunningham.	Holbrook.
DeBerry.	Hornsby.
Gainer.	Hyer.

Love.	Stevenson.
McFarlane.	Thomason.
Miller.	Westbrook.
Moore.	Williamson.
Parr.	Wirtz.
Patton.	Witt.
Pollard.	Woodul.
Russek.	Woodward.
Small.	

Absent—Excused.

Martin.	Parrish.
Neal.	

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Martin.	Parrish.
Neal.	

Senate Bill No. 118.

Senator Woodward received unanimous consent to take up out of its regular order the following bill:

By Senator Woodward:

S. B. No. 118, A bill to be entitled "An Act amending Article 4233, Chapter 10, Title 69 of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, so as to provide for the removal of guardians without notice when notices or other process of court cannot be served upon them on account of their whereabouts being, unknown and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 118 was put on third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Martin.	Parrish.
Neal.	

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Martin.	Parrish.
Neal.	

Senate Bill No. 120.

Senator Woodward received unanimous consent to take up out of its regular order the following bill:

S. B. No. 120, A bill to be entitled "An Act amending Article 4234, Chapter 10, Title 69 of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, so as to provide for the removal of a guardian after being cited to answer, when he is proved to have been guilty of gross neglect or mismanagement in the performance of any of his duties as guardian and when he becomes of unsound mind or an habitual drunkard or is sentenced to imprisonment for a term of years,

and when, if he be the guardian of the person, he cruelly treats the ward or neglects to educate and maintain the ward as liberally as the means of such ward and the circumstances of the case demand, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 120 was put on third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Martin.	Parrish.
Neal.	

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Woodul.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Woodward.
Moore.	

Absent—Excused.

Martin.	Parrish.
Neal.	

Senate Bill No. 106.

Senator Woodul called up from the table the following bill:

S. B. No. 106, A bill to be entitled "An Act to amend Article 1898 of

Chapter 2, Title 40 of the Revised Civil Statutes of 1925, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodul the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 106 was put on third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Martin.	Parrish.
Neal.	

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Martin.	Parrish.
Neal.	

Senate Bill No. 107.

Senator Woodul called up from the table the following bill.

S. B. No. 107, A bill to be entitled "An Act to amend Article 1935 of Chapter 2, Title 41 of the Revised Civil Statutes of 1925, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodul the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 107 was put on third reading and final passage, by the following vote

Yeas—27.

Beck.	Parr.
Berkeley.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Martin.	Parrish.
Neal.	

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Martin.	Parrish.
Neal.	

Senate Bill No. 108.

Senator Woodul called up from the table the following bill:

S. B. No. 108, A bill to be entitled "An Act to amend Article 1894 of Chapter 2, Title 40 of the Revised Civil Statutes of 1925, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Woodul, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 108 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Martin.	Parrish.
Neal.	

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Martin.	Parrish.
Neal.	

House Bills Referred.

H. B. No. 18, read and referred to Committee on State Affairs.

H. B. No. 162, read and referred to Committee on State Affairs.

H. B. No. 48, read and referred to Committee on State Affairs.

Senate Bill No. 57.

Senator Parr called up from the table the following bill:

S. B. No. 57, A bill to be entitled "An Act to provide for increasing

the territorial limits of any city of more than five thousand inhabitants which has adopted a charter under Home Rule Amendment, Article 11, Section 5, of the Constitution; providing for annexation of adjacent territory by a majority vote of the qualified voters of the city affected, and of the territory annexed; and providing for the adjustment upon a just and equitable basis of the bonded indebtedness against the territory annexed, has theretofore been included in any irrigation district or water improvement district or water control and improvement district under any of the provisions of the General Laws or the Constitution, and carrying at the time each such adjacent territory is annexed to said city, bonded indebtedness or flat rates due, to the irrigation district, water improvement district or water control and improvement district, and repealing all laws general or special, in conflict herewith, and declaring an emergency."

The bill was laid on the table subject to call.

Senate Bill No. 63.

Senator McFarlane received unanimous consent to take up out of its regular order, the following bill:

S. B. No. 63, A bill to be entitled "An Act making provision for the purchase and installment by the Board of Prison Commissioners of machinery and equipment for the manufacture of motor vehicle number plates, seals and road signs and markers; making an appropriation to carry out the purposes of the Act; and declaring an emergency."

The bill was read second time.

Senator McFarlane sent up the following amendment:

Amendment to caption: By striking out the words "Board of Prison Commissioners" and inserting in lieu thereof "Board of Control."

The amendment was read and adopted.

The bill as amended was passed to engrossment.

On motion of Senator McFarlane, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 63 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Martin.	Parrish.
Neal.	

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Martin.	Parrish.
Neal.	

Adjournment.

On motion of Senator Woodward, the Senate, at 3:00 o'clock p. m., adjourned until 10:00 o'clock Friday morning.

APPENDIX.

Petitions and Memorials.

Whereas, It has come to our knowledge that there has been introduced in the Senate and referred to the Committee on State Affairs, Senate Bill 129 which provides regulations on public utilities municipally owned, or otherwise, and placing all such public utilities under the

control of the Railroad Commission, and

Whereas, It appears from said proposed Act that it proposes to take our waterworks system which is owned by the City of Dallas, and has been for more than a quarter of a century, and place it under the control of the Railroad Commission, as well as take from the City of Dallas its power of regulation under franchise duly granted and accepted by and between the Dallas Gas Company, the Dallas Power & Light Company, and the Dallas Railway & Terminal Company, and other corporations, and place all of them and our relation thereafter under the Railroad Commission, and

Whereas, We deem the proposed bill, or act, to be inimical to the rights of the City of Dallas and an unwarranted usurpation of authority over home rule cities, as well as a bold attempt to take from the City of Dallas its power of home rule government, and its local control over public corporations using the streets of the City of Dallas and to place our waterworks system which represents an aggregate wealth of more than \$15,000,000.00 beyond our immediate control, and

Whereas, It is our desire that all citizens of the City of Dallas be aroused to the importance of this pernicious piece of legislation,

Now, Therefore, Be It Resolved by the Mayor and Board of Commissioners of the City of Dallas:

1. That we protest in the name of the City of Dallas and its people against the passage of this bill involving the substantial legal rights of the City of Dallas, and we call on all properly minded citizens of the City of Dallas and the newspapers of the City of Dallas to join us in memorializing the Legislature of the State and ask them to enter our protest against the said bill; and we particularly call upon the Representatives of Dallas County in the House, as well as in the Senate, to give their undivided efforts in securing the defeat of this bill insofar as it affects the rights of the City of Dallas and its ownership of its waterworks system and the rights of the City of Dallas growing out of Service at Cost franchises and its relationship to public corporations thereunder.

Be It Further Resolved that the Mayor, or any member of the Board of Commissioners, and the City Attorney are hereby directed to take all necessary steps to present the rights of the City of Dallas before the said Legislature and to protest in the name of the City of Dallas against the inclusion of the City of Dallas in any such rate regulation bill. We furthermore direct that the City Secretary send a certified copy of this resolution to each member of the Dallas County Delegation in the House and Senate.

In this connection we are advised that the following states who have created utility commissions have eliminated municipalities therefrom, namely, Alabama, Arkansas, Connecticut, Idaho, Illinois, Louisiana, Michigan, New Hampshire, New Jersey, North Carolina, Tennessee, Virginia, Washington, and some others not listed herein.

2. That this resolution shall take effect from and after its passage as provided by the charter.

R. E. BURT, Mayor.

Adopted.

State of Texas,
County of Dallas,
City of Dallas.

I, Earl Goforth, City Attorney of the City of Dallas, Texas, do hereby certify that the above and foregoing resolution was passed by the Board of Commissioners of the City of Dallas, Texas, January 23, 1929.

Witness my hand and the Seal of the City of Dallas, Texas, this the 23rd day of January, A. D., 1929.

EARL GOFORTH,

City Secretary of the City of Dallas, Texas.

(SEAL)

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, Jan. 24, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 264 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, Jan. 24, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 187 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, Jan. 24, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 181 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, Jan. 24, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 126 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, Jan. 24, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 83 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, Jan. 24, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 238 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, Jan. 24, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 28 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Austin, Texas, Jan. 24, 1929.

Committee Room,

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 85 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee on Enrolled Bills.

Committee Room,

Austin, Texas, Jan. 24, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 4 carefully examined and compared, and find the same correctly enrolled, and have this day, at 10:10 o'clock a. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,

Austin, Texas, Jan. 24, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 69 carefully examined and compared, and find the same correctly enrolled, and have this day, at 11:40 o'clock a. m., presented the same to the Governor for his approval.

WITT, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, Jan. 24, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 237, A bill to be entitled "An Act to amend Article 4613, Article 4614, Article 4618, Article 4619, as amended by Chapter 148, Acts Regular Session Fortieth Legislature, Article 4620 and Article 4118 of the Revised Civil Statutes of 1925, declaring and defining the legal rights of married women; defining the separate property of married persons; regulating the management, control, disposition, and liability of such separate property; defining the common property of husband and wife; regulating the control, management, disposition and liability of such common property; regulating the rights of parents as guardians for the minor children; making married women subject to all laws of limitation; regulating the conveyance of the homestead of the

family; repealing Articles 4615, 4616, 4617, 4621, 4623, 4624, 4626, 6605, 6608, 1299, 1300, 6164, 1983, 1984 and 1985 of the Revised Civil Statutes of 1925, and all other laws and parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that the original bill do not pass but that the accompanying committee substitute do pass in lieu thereof.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Jan. 24, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 252, A bill to be entitled "An Act creating an advisory judicial council for the continuous study, investigation and report upon the civil judicial system of the State, its administration, procedure and functioning; gathering of civil judicial statistics; devising of methods for the improvement of civil judicial administrations and procedure; prescribing the personnel of such council; prescribing its powers and duties; providing for the payment of the actual expenses of the council and its members, including clerical assistance."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Jan. 24, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 25, A bill to be entitled "An Act fixing the salary of the stenographers of the Courts of Civil Appeals of this State, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Jan. 23, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 293, A bill to be entitled "An Act converting the South Texas State Teachers College into the Texas College of Arts and Industries at Kingsville, Texas; providing for a continuance of the work of the College as a State Teachers College and in addition thereto providing for work at said College suitable to a College of Arts and Industries; providing for the organization, control and management thereof, the appointment of a Board of Directors and selection of a President, the division of its work into branches of education and training; providing for the granting of appropriate degrees and giving of special courses in certain subjects; changing the management of the South Texas State Teachers College from the Board of Regents of State Teachers Colleges to the Board of Directors of the Texas College of Arts and Industries, said State Teachers College to be merged into the Texas College of Arts and Industries as provided for in this Act; providing for the acquirement of additional land when necessary and for the enlargement of the work of said College; granting to said College the right of eminent domain; requiring biennial reports to the Legislature; conferring all power, duties and functions of the Board of Regents of the State Teachers Colleges in respect to said South Texas State Teachers College on the Board of Directors herein created, except where in conflict with this Act; repealing all laws and parts of laws in conflict with this Act; providing all necessary details to accomplish the purpose of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Jan. 24, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

H. B. No. 120, A bill to be entitled "An Act to amend Article 2547 (2443) Chapter 2, Title 47, Revised Civil Statutes of the State of Texas, being Chapter 129, Pages 197 to

199, inclusive, of the General Laws of the State of Texas passed by the Fortieth Legislature at the regular session which Article and Chapter provides for the making of bonds for the securing of county deposits, declaring who may make such bonds, and the amount and character of the security that may be accepted by the commissioners' court to secure such deposits; etc. * * * and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RUSSEK, Chairman.

Committee Room,
Austin, Texas, Jan. 23, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 196, A bill to be entitled "An Act amending Article 333 of the Code of Criminal Procedure of the State of Texas, as recodified and adopted at the Regular Session of the Thirty-ninth Legislature, 1925, relating to the appointment of jury commissioners to select grand jurors, providing for their compensation and prescribing their qualifications; and providing that the number appointed shall not be less than three and not more than five, in the discretion of the District Judge, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MILLER, Chairman.

Committee Room,
Austin, Texas Jan. 23, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence to whom was referred

S. B. No. 195 A bill to be entitled, "An Act amending Article 2104 of the Revised Civil Statutes of the State of Texas, as recodified and adopted at the Regular Session of the Thirty-ninth Legislature, 1925, relating to the appointment of Jury Commissioners to select Petit Jurors; providing for their compensation; prescribing their qualifica-

tions; and providing that the number appointed shall not be less than three and not more than five, in the discretion of the District Judge, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MILLER, Chairman.

Committee Room,
Austin, Texas Jan. 23, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence to whom was referred

H. B. No. 18, A bill to be entitled, "An Act creating the office of Criminal District Attorney in those counties which constitute three or more separate judicial districts within themselves in which there is not now a District Attorney; providing that the present County Attorney in those counties, who performs the duties of county and District Attorney, shall qualify as Criminal District Attorney, remain in office and take the oath and give the bond required of District Attorneys by the Constitution and laws of Texas, organize their forces and continue the work as Criminal District Attorney until their successors are elected and qualified; providing for the election of a Criminal District attorney at the next general election; providing for the qualifications and oath of said Criminal District Attorney; and providing that such officers shall be commissioned by the Governor; providing that County Attorneys affected by this Act shall hereafter be known as Criminal District Attorneys; providing for the powers, duties and compensation of such officers; providing for the expense of conducting such office; providing for the appointment of Assistant Criminal District Attorneys; and fixing their powers; duties and compensation; providing for the appointment of investigators and stenographers and their powers, duties and compensation; and providing for the expense incurred by the Criminal District Attorney, their assistants and investigators and the manner of collecting the same; and providing for the filing of a report of such officers and the checking of his account and expense and the expenses

of his assistants and investigators incident and necessary to the performance of his duties and providing the manner of collecting same; and declaring an emergency."

Have had the same under consideration, and I am instructed to report back to the Senate with the recommendation that it do pass and be not printed.

MILLER, Chairman.

Committee Room,
Austin, Texas Jan. 23, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred S. B. No. 276, A bill to be entitled "An Act to amend Subdivision 19 of Article 1995 of the Revised Civil Statutes by adding thereto cities, school districts and other political subdivisions of the State, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal only.

WOODWARD, Chairman.

By Love. S. B. No. 276.

A BILL
To Be Entitled.

An Act to amend Subdivision 19 of Article 1995 of the Revised Civil Statutes by adding thereto cities, school districts and other political subdivisions of the State, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Subdivision 19 of Article 1995 of the Revised Civil Statutes be and the same is hereby amended so as to hereafter read as follows:

"19. Suits against counties, cities, school districts or other political subdivisions of the State shall be brought within the county in which the same are situated, and in the event any such subdivisions are situated in two or more counties, then within the county where the main business of such political subdivision is carried on, or where its office is maintained."

Sec. 2. The importance of this Act and the fact that there is now more or less confusion growing out of court decisions concerning the venue of counties, cities, school dis-

tricts and other political subdivisions of the State, and the further fact that great hardship is worked upon such political subdivisions by reason of being denied or likely to be denied the right to be sued in their own county and situs, creates an emergency and imperative public necessity requiring the suspension of the Constitutional rule requiring bills to be read on three consecutive days in each house, and it is therefore here enacted that said rule be and it is hereby suspended and that this Act shall be in force and effect from and after its passage.

Committee Room,
Austin, Texas Jan. 23, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred S. B. No. 222, A bill to be entitled, "An Act to amend Chapter 5, Title 14, Revised Criminal Statutes of Texas 1925, relating to weights and measures, by amending Article 1037 and adding Article 1037a; defining certain terms; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal only.

WOODWARD, Chairman.

By Witt. S. B. No. 222.

A BILL
To Be Entitled.

An Act to amend Chapter 5, Title 14, Revised Criminal Statutes of Texas, 1925 relating to weights and measures, by amending Article 1037 and adding Article 1037a; defining certain terms; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1037 of Chapter 5, Title 14, Revised Criminal Statutes of Texas, 1925, be amended, and that Article 1037a be added thereto, the articles herein mentioned to read as follows:

Article 1037. Any person who, by himself or by his servant or agent of another person, shall offer or expose for sale, sell, use, or retain in his possession any false weights or measures, or weighing or measuring device, in the buying or selling of any commodity or thing or calculating or

measuring device, or in the determination of weight or measure when a charge is made for such determination, or who shall dispose of any condemned scales, weights, measures or weighing or measuring devices contrary to law; or who shall sell or offer or expose for sale less than the quantity he represents of any commodity, thing or service, or shall take or attempt to take more than the quantity he represents of any commodity, thing or service, when, as the buyer or weigher of any commodity, he furnishes the weight, measure, or weighing or measuring device by means of which the amount of any commodity, thing, or service is determined; or who shall sell or offer for sale, or use or have in his possession for the purpose of selling or using, any device or instrument to be used to or calculated to falsify any weight or measure; shall be guilty of a misdemeanor, and shall be punished by a fine of not less than \$20 or more than \$100, upon the first conviction in any court of competent jurisdiction and upon a second or subsequent conviction in any court of competent jurisdiction he shall be punished by a fine of not less than \$50.00 or more than \$200.00.

Article 1037a. The word "person" as used in this Act shall be construed to import the plural and singular, as the case demands, and shall include corporations, companies, societies, and associations.

The words "weights, measures or (and) weighing and measuring devices" as used in this Act, shall be construed to include all weights, scales, beams measures of every kind, instruments and mechanical devices for weighing and measuring, and any appliances and accessories connected with any or all such instruments.

The word "sell" or "sale" as used in this Act, shall be construed to include barter and exchange.

The term "false weight or measure or weighing and measuring devices", shall be construed to mean any weight or measure which does not conform to the United State Standards of weight or measure or any weighing or measuring device which does not give correct results or is manipulated to give incorrect results in terms of United States Standards of weight or measure.

Sec. 2. The fact that there are now no adequate penalties on the

statute books providing for the enforcement of the weights and measures laws, creates an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read upon three several days in each house, be suspended, and such rule is hereby suspended and this bill shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas Jan. 23, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred

S. B. No. 173 A bill to be entitled "An Act to amend Article 1320 of the Revised Civil Statutes of Texas of 1925 so as to authorize every private corporation to increase or diminish by vote of its stockholders cast as its by-laws may direct, the number of its directors or Trustees, such number, however, to be not less than three, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal only.

WOODWARD, Chairman.

By Witt.

S. B. No. 173.

A BILL

To Be Entitled

An Act to amend Article 1320 of the Revised Civil Statutes of Texas of 1925 so as to authorize every private corporation to increase or diminish by vote of its stockholders cast as its by-laws may direct, the number of its Directors or Trustees, such number, however, to be not less than three, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1320 of the Revised Civil Statutes of Texas of 1925 be amended so as to hereafter read as follows:

Article 1320. Every private corporation as such has power:

1. To have succession by its corporate name for the period limited in its charter, not to exceed fifty years, and when no period is limited, for twenty years.

2. To maintain and defend judicial proceedings.

3. To make and use a common seal.

4. To purchase, hold, sell, mortgage or otherwise convey such real estate and personal estate as the purposes of the corporation shall require, and also to take, hold and convey such other property, real, personal or mixed, or (as) shall be requisite for such corporation to acquire in order to obtain or secure the payment of any indebtedness or liability due, or belonging to, the corporation.

5. To appoint and remove subordinate officers and agents as the business of the corporation shall require, and to allow them a suitable compensation.

6. To make by-laws not inconsistent with existing laws, for the management of its property, the regulation of its affairs and the transfer of its stock.

7. To enter into any obligation or contract essential to the transaction of its authorized business.

8. To increase or diminish, by a vote of its stockholders cast as its by-laws may direct, the number of its directors or trustees, such number, however, to be not less than three.

Sec. 2. The great number of bills being offered at the present session and the crowded condition of the calendar, and the importance of the subject matter of this law, creates an emergency and an imperative public necessity, requiring the suspension of the constitutional rule requiring bills to be read on three several days, and said rule is so suspended and it is enacted that this law shall take effect and be in force from and after its passage.

Committee Room,

Austin, Texas Jan. 23, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred

S. B. No. 154 A bill to be entitled "An Act amending Article 1831, Title 39, Revised Statutes of the State, prescribing certain duties of Clerks of Courts of Civil Appeals with reference to the filing, recording and preservation of the records and proceedings of said Court."

Have had the same under consideration, and I am instructed to re-

port it back to the Senate with the recommendation that it do pass and be printed in the journal only.

WOODWARD, Chairman.

By Woodward: S. B. No. 154.

A BILL

To Be Entitled.

An Act amending Article 1831, Title 39, Revised Statutes of the State, prescribing certain duties of Clerks of Courts of Civil Appeals with reference to the filing, recording and preservation of the records and proceedings of said court.

Be it enacted by the Legislature of the State of Texas:

Section 1: That article 1831 of Chapter 2, Title 39, of the Revised Civil Statutes of 1925, be amended so as to hereafter read as follows:

"Article 1831. Records and Judgments.—Each clerk shall file and carefully preserve all records certified to his court and all papers relative thereto; docket all causes in the order in which they are filed; record the proceedings of said court, except opinions, and certify their judgments to the proper courts. He shall annually have bound in one or more volumes, to be preserved as a permanent record, the original opinions of the judges of said court, shall number the pages thereof consecutively, prepare and attach to each volume an index showing the style, number and page where each opinion is found, also prepare a general index showing the volume and page where each opinion can be found; the expense of which shall be paid out of the fund provided by the Legislature for the purchase of record books for said court.

He shall, after ascertaining that, any case filed in said court has been finally disposed of for a period of ten years, destroy all records filed in said court in connection therewith."

Committee Room,

Austin, Texas Jan. 23, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred

S. B. No. 54 A bill to be entitled "An Act to amend Article 2963 of Chapter 5, Title 50, of the Revised Civil Statutes of 1925, so as to allow the mailing of poll tax receipts in certain cases and providing for the

mailing of poll tax receipts to persons in cities of ten thousand inhabitants and more where the poll tax payer pays his property and poll tax by check or money order."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal only.

WOODWARD, Chairman.

A BILL

To Be Entitled.

An Act to amend Article 2963, Chapter 5 Title 50 of the Revised Civil Statutes of 1925, relating to the mailing of poll tax receipts in certain cases, and providing for the mailing of poll tax receipts to persons in cities of ten thousand inhabitants or more, where the poll tax payer pays his property and poll tax by check or money order. Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 2963, Chapter 5, Title 50 of the Revised Statutes of 1925 be amended so as to hereafter read as follows:

Article 2963. When in cases permitted by this title, the tax is paid by an agent, the tax receipt shall not be delivered to such agent, but shall be sent by mail to the tax payer or kept and delivered to him in person by the tax collector. Provided, also, that where a property tax-payer against whom a poll tax may be assessed pays his property tax by bank check or money order, he shall also pay the poll tax of himself and wife at the same time and in the same way, and it shall be the duty of the tax collector in such cases to mail the poll tax receipt of the property tax payer and his wife at the same time he mails the property tax receipt. Exemption certificates shall be mailed in like manner, with the property tax receipt upon the payment of property taxes.

Committee Room,

Austin, Texas Jan. 23, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred S. B. No. 26, A bill to be entitled "An Act providing additional compensation for the chief deputy clerks for the Courts of Civil Appeals of this State to be paid from fees col-

lected by the Clerks of said courts, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the journal only.

WOODWARD, Chairman.

A BILL

To Be Entitled.

An Act providing additional compensation for the chief Deputy Clerks for the Courts of Civil Appeals of this State to be paid from fees collected by the Clerks of said courts, and declaring an emergency. Be it enacted by the Legislature of the State of Texas:

Section 1. That from and after the passage of this Act each chief Deputy Clerk of the Courts of Civil Appeals of this State shall receive such compensation, in addition to the salary prescribed by law, as the court may allow to be paid from fees collected by the Clerk of said court, but in no event shall the salary, plus the additional compensation, exceed \$200.00 per month, except said Deputy may be allowed by the court for any year the Supreme Court directs the transfer of cases from said court to other courts, as provided by law, additional compensation for extra services that may be rendered incident to said transfers, a sum not exceeding \$300.00 per year, to be paid monthly from the fees collected by the Clerk of said court, who is hereby authorized to pay same as and when approved by the court.

Sec. 2. The fact that the compensation now paid the chief Deputy Clerks of the Courts of Civil Appeals of this State is inadequate and, if not increased, the efficiency of the public service will be seriously impaired, creates an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring a bill to be read on three several days in each House, and said rule is hereby suspended and that this Act be in force and take effect from and after its passage and it is so enacted.

Committee Room,

Austin, Texas Jan. 23, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred S. B. No. 19 A bill to be entitled

"An Act to amend Article 7257 of the Revised Civil Statutes of 1925, so as to provide that Tax Collectors shall give receipt for taxes paid, providing the form and contents of such receipt, and providing that taxes shall be collected in chronological order in which levied and assessed, prohibiting collector from receiving payment of taxes for any year if taxes remain unpaid for any prior year and further providing that any receipt for taxes shall be conclusive evidence of full payment of all taxes for all years prior to and including year which receipt shows taxes paid, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the journal only.

WOODWARD, Chairman.

By Senator Love. S. B. No. 19.

A BILL To Be Entitled

An Act to amend Article 7257 of the Revised Civil Statutes of 1925 so as to provide that tax collectors shall give receipt for taxes paid providing the form and contents of such receipt, and providing that taxes shall be collected in chronological order in which levied and assessed, prohibiting collectors from receiving payment of taxes for any year if taxes remain unpaid for any prior year and further providing that any receipt for taxes shall be conclusive evidence of full payment of all taxes for all years prior to and including year for which receipt shows taxes paid, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 7257 of the Revised Civil Statutes of 1925 be amended so as to hereafter read as follows:

"The tax collector, or his deputy, whenever any tax is paid, shall give to the person paying the same a receipt therefor, specifying the amount of State, County and/or district taxes, and the year or years for which such tax was assessed, and describing the property therein as same has been described in the assessment thereof, and the total value of all property assessed. Said receipt shall have a duplicate to be

retained by the collector. The collector shall provide himself with a seal on which shall be inscribed a star with five points, surrounded by the words 'Collector of Taxes, _____ County' (the blank to be filled in with the name of the county), and shall impress said seal on each receipt and duplicate given by him for taxes collected on any property.

"The tax collector, or his deputy, of any county, city or political subdivision or tax assessing district, shall collect taxes in the chronological order in which said taxes have been levied and assessed, and said collector is hereby prohibited from receiving payment of taxes on any property (real, personal or mixed) for any year if taxes remain unpaid on said property for any prior year or years. When any receipt for taxes shall be issued by any collector, or his deputies, of any county, city or political subdivision or tax assessing districts, said receipt shall be conclusive evidence of the full payment of all taxes on the property described in said receipt for all years prior to and including the year or years for which said receipt shows taxes to have been paid."

Sec. 2. That all laws and parts of laws in conflict herewith be and the same are hereby repealed.

Sec. 3. The fact that it is a custom of tax collectors to receive payment of taxes and issue receipts for taxes on property for any year without requiring payment of taxes assessed against said property for prior years, and that owners of property have no way of definitely ascertaining that all taxes have theretofore been paid, creates an emergency and an imperative public necessity that the rule requiring bills to be read three several days be suspended, and that this Act take effect upon its passage, and said rule is hereby suspended, and this Act shall be in force and effect from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, Jan. 23, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

H. B. No. 120, A bill to be entitled "An Act to amend Article 2547 (2443) Chapter 2, Title 47, Revised

Civil Statutes of the State of Texas, being Chapter 129, Pages 197 to 199, inclusive, of the General Laws of the State of Texas passed by the Fortieth Legislature at the Regular Session which Article and Chapter provides for the making of bonds for the securing of county deposits, declaring who may make such bonds, and the amount and character of the security that may be accepted by the commissioners' court to secure such deposit; etc. * * * and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

RUSSEK, Chairman.

By Sanders. H. B. No. 120.

A BILL

To Be Entitled

An Act to amend Article 2547 (2443) Chapter 2, Title 47, Revised Civil Statutes of the State of Texas, being Chapter 129, pages 197 to 199, inclusive, of the General Laws of the State of Texas passed by the Fortieth Legislature at the Regular Session, which Article and Chapter provides for the making of bonds for the securing of county deposits, declaring who may make such bonds, and the amount and character of the security that may be accepted by the commissioners' court to secure such deposits; and further providing that any banking corporation, association or individual banker, selected as a county depository may in lieu of the execution of a bond, pledge and deposit with the commissioners' court, United States Bonds, Certificates of Indebtedness of the United States, bonds of the State of Texas, and of any county, city, town, Independent School District, Common School District, or bonds issued under the Federal Farm Loan Act, or road district bonds; and further providing for the increase or the reduction of the securities so pledged or for the substitution of such securities; and further providing for venue of suits on bonds, and for penalty for depositing or receiving deposits where sufficient security has not been pledged; and which

amendment to said Article 2547 (2443) being Chapter 129 of the General Laws of the State of Texas passed by the Fortieth Legislature at the Regular Session, providing for the execution of bonds for securing county deposits; providing who may make such bonds, the manner in which such deposits shall be secured, the amount of such bonds, and providing that any banking corporation, association or individual banker selected as county depository may in lieu of the execution of a bond, pledge and deposit with the commissioners' court, United States Bonds, Certificates of Indebtedness of the United States, Bonds of the State of Texas, or of any county, city, town, Independent School District, Common School District, or bonds issued under the Federal Farm Loan Act, or road district bonds; and providing for the increase or reduction of the securities so pledged, or for substitution of such securities, and providing for venue of suits on bonds; and further providing for the filing of financial statements by sureties on personal bonds, and the investigation of the solvency of sureties and surety companies, as well as of the value of securities pledged in lieu of personal bonds, and for the making of a new bond or bonds as deemed necessary, and to repeal all laws and parts of laws, either civil or penal, in conflict herewith, including that part of said Article 2547 (2443) being Chapter 129 of the General Laws of the State of Texas passed by the Fortieth Legislature at the Regular Session, in and by which a penalty is imposed on persons depositing with or paying into any depository, or accepting any such deposit or payments without first having ascertained that such county depository has pledged and in the hands of the commissioners' court for the purpose of securing such county funds, the required amount of the securities of the kind permitted by law; the said penal part of said Article being carried as Article 425-A of the Penal Code, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 2547, Chapter 2, Title 47, of the Revised Civil Statutes of the State of Texas, being Chapter 129 of the General Laws of the State of Texas, passed by the Fortieth Legislature at the Regular Session, be amended so as to hereafter read as follows:

Article 2547 (2443) Bonds—Within five (5) days after the selection of such depository it shall be the duty of the banking corporation, association or individual banker so selected, to qualify as county depository in one or more of the following ways, at the option of the commissioners' court.

(a) By executing and filing with the commissioners' court a bond or bonds, payable to the county judge and his successors in office, to be approved by both the commissioners' court and the Comptroller, and immediately thereafter filed in the office of the county clerk of said county, said bond to be signed by not less than five solvent sureties who shall own unencumbered real estate in this state not exempt from execution under the Constitution and laws of this State, of a value equal to or in excess of the amount of said bonds or of a value equal to or in excess of the amount of said bonds when there is more than one bond and said bond or bonds shall in no event be for less than the total amount of the revenue of such county for the next preceding year for which said bond or bonds are made. The sureties shall file with the commissioners' court at the time of filing said bond or bonds a statement containing a description of the unencumbered and non-exempt lands owned by them sufficient to identify such lands on the ground, and such statement shall remain on file with the county clerk and attached to such bond or bonds; and such statement shall contain a value of each tract of land so listed, together with the value of the improvements thereon.

(b) By having issued and executed by some solvent surety company or companies authorized to do business in the State of Texas, such bond or bonds as provided by law, to be in the amount and payable as provided in Subdivision A hereinabove, which said surety bond shall

be approved by both the commissioners' court and the Comptroller, and filed in the office of the county clerk of said county.

(c) By executing and filing with the commissioners' court a bond or bonds in an amount and payable as provided in Subdivision A hereinabove, to be approved by both the commissioners' court and the Comptroller, and filed in the office of the county clerk of said county, said bond or bonds to be signed by not less than five solvent sureties, who shall prepare and file with the commissioners' court at the time of the filing of said bond with said commissioners' court, an itemized and verified financial statement, which shall show the aggregate net worth of all, to be equal to or in excess of the amount of such bond or bonds as hereinabove provided for.

(d) In lieu of such personal bonds or surety bonds as above specified, said banking corporation, association or individual banker so selected as the county depository may pledge, and said depository bank is hereby authorized to pledge with the commissioners' court for the purpose of securing such county funds, securities of the following kind, in an amount equal to the amount of such county funds on deposit in said depository bank, to-wit: United States Bonds, Certificates of Indebtedness of the United States, Bonds of the State of Texas, or of any county, city, town, Independent School District, Common School District or bonds issued under the Federal Farm Loan Act, or Road District Bonds or Obligations and pledges of the University of Texas; bank acceptances of banks having a capital stock of not less than five hundred thousand dollars; Water Improvement District and Water Control and Improvement District Bonds; and the legally issued warrants of any of said municipalities so named and bonds issued by municipal corporations in Texas; and said commissioners' court may accept said securities in lieu of such personal or surety bonds; and such securities so pledged by such depository bank shall be deposited as the commissioners' court may direct.

When the securities pledged by a depository bank to secure county funds shall be in excess of the

amount required under the provisions of this Article, the commissioners' court shall permit the release of such excess; and when the county funds deposited with said depository bank shall for any reason increase beyond the amount of securities pledged, said depository bank shall immediately pledge additional securities with the commissioners' court so that the securities pledged shall at no time be less than the total amount of county funds on deposit in said depository bank. The right of substitution of securities shall be granted to depositories, provided the securities substituted meet with the requirements of the law and are approved by the commissioners' court. Upon the request of such depository bank, the commissioners' court shall surrender interest coupons or other evidence of interest, when due, on securities deposited with said commissioners' court by such depository bank, provided said securities remaining pledged are ample to meet the requirements of said commissioners' court. Such depository may secure said funds by one or more of the ways herein provided as it may desire.

The condition of the personal bond or bonds, or contract for securities pledged, as hereinabove provided, shall be conditioned for the faithful performance of all the duties and obligations devolving by law upon such depository, and for the payment upon presentation of all checks drawn upon said depository by the county treasurer of the county and that said county funds shall be faithfully kept by said depository and accounted for according to law. Any suits arising thereon shall be tried in the county for which such depository is selected.

It shall be the duty of the commissioners' court to investigate and inquire into the solvency of each and every surety on any personal bond or bonds so filed by such county depository and accepted by the commissioners' court and approved as required by law, at least twice during each and every year, such bonds are effective and in force and for that purpose shall have authority to require each surety to render an itemized and verified financial statement under oath showing his true financial condition. If

any such statement or statements indicate that any of said sureties have become insolvent, or their net worth depreciated below the amount required by law as such sureties, or if any of the assets listed are shown to be, or are known to be depreciated, or their value in any way impaired, then and in any of such events the commissioners' court shall require a new bond meeting fully the requirements of this law; and in case of a bond or bonds the sureties on which are required to own unencumbered and non-exempt real estate as herein provided, such statement shall show each tract of land owned by each surety and the value thereof, and if the statements provided for herein shall indicate that any of such lands have been disposed of or encumbered and the value of the remaining unencumbered or non-exempt lands shall not be sufficient to meet the requirements of this law, then the said commissioners' court shall require a new bond meeting fully the requirements of this law. The commissioners' court shall at any time it may deem necessary for the protection of the county, investigate and inquire into the solvency of any surety company or companies issuing a bond or bonds for any depository, and to investigate the value of any of the securities that may be pledged by such depository in lieu of the personal bond; and such commissioners' court may request any such depository, if it deems advisable, to execute a new bond. If said new bond required by the commissioners' court for any reason as herein specified be not filed within five (5) days from the time of the service of a copy of said order upon said depository, the commissioners' court may proceed to the selection of another depository in the same manner as provided for the selection of a depository at the regular time for such selection. Nothing in this law shall in any manner limit, restrict or prevent the commissioners' court from requiring any depository to execute a new bond at any time such commissioners' court may deem it necessary for the protection of the county.

Sec. 2. All laws and parts of laws either civil or penal in conflict with any of the provisions of this Act be

and the same are hereby expressly repealed, and that part of Article 2547 (2443) of the Revised Civil Statutes of the State of Texas, being Chapter 129 of the General Laws of the State of Texas, passed by the Fortieth Legislature reading as follows: "Any person who shall deposit with or pay into any depository of county funds, qualified under this Act, selected under the law, which shall have pledged securities to secure such county funds, or who shall accept any such payment or deposit without first having ascertained that such county depository has pledged and in the hands of the commissioners' court for the purpose of securing such county funds, securities of the kind permitted by law, equal in amount to the total amount of funds of the county which will be deposited with such depository after such payment or deposit is made, shall be guilty of a felony, and upon conviction, shall be imprisoned in the State penitentiary for a term of not less than one year" being carried as Article 425 A of the Penal Code of the State of Texas, be, and the same is hereby expressly repealed.

Sec. 3. The fact that the time for executing and filing depository bonds by county depositories is near at hand and most of the banks of the State of Texas will not be able to make a personal bond or pledge the securities as required by the present law, thus forcing such banks to make surety bonds, the premiums of which in every case will be paid by the county, resulting in injury to the county and unnecessary expenditure of county funds, and the further fact that this amendment will simplify the method of handling county funds, and provide for adequately securing the same, it will be advantageous to both the county depositories and the county, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

FOURTEENTH DAY.

Senate Chamber,
Austin, Texas,
January 25, 1929.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Parr.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	

Absent—Excused.

Neal.	Woodward.
Parrish.	

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Greer.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Thomason.

S. B. No. 315, A bill to be entitled "An Act fixing the compensation for the Assistant Adjutant General at three thousand dollars annually, payable monthly; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Military Affairs.

By Senator Woodul.

S. B. No. 316, A bill to be entitled "An Act authorizing any county having taxable values of two hundred ninety million dollars or more according to the latest approved tax rolls of the county to spend not to exceed